



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,004	07/26/2001	Janos Gergely	UNCC #200-027	1114

7590 10/09/2002

Christopher L. Bernard, Esq.
Kilpatrick Stockton LLP
3500 One First Union Center
301 South College Street
Charlotte, NC 28202

EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,004

Applicant(s)

GERGELY ET AL.

Examiner

Chi Q Nguyen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 11-18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morton (US 6,145,260) in view of Brockman (US 5,979,123).

Morton '260 shows anchoring device (10, 10a, 10b) comprises of a fiber composite material (col. 6, lines 3-47) fixedly attached by bonding mechanism to a structural member (W) which is an unreinforced wall. The fiber composite material is a flexible, uncured sheet 80 (col. 12, lines 50-67, col. 13, lines 1-25) or it can be a rigid preformed plated (col. 6, lines 9-10). Morton does not show a second portion of the anchoring device fixedly attached to a base member which is a foundation/footing, and anchoring device further comprises an angle member having a first portion and a second portions are substantially perpendicular to each other.

Brockman show a sheet material (44) made of plastic having a first portion (25) attached to a structural member (10,12) and a second portion (29, 32, 34) fixed attached to a foundation/footing (14) to reinforce/protect the foundation, and sheet material (44) having a first 29, a second 32 portions are perpendicular to each other (fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Morton '260 to extend the anchoring device/fiber composite material

Art Unit: 3637

into a second portion which perpendicular to a first portion and fixedly attach this second portion to the foundation/footing to reinforce/protect the foundation. To secure this second portion by bonding mechanism to the foundation/footing would have been obvious as disclosed in Morton '260 to simplify and speed up the attaching process.

3. Claims 8-10 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morton (US 6,145,260) in view of Brockman (US 5,979,123) and Adams (US 4,903,450).

Morton '260 and Brockman '123 disclose the structural elements for the anchoring device as stated. Morton and Brockman do not disclose expressly the base/footing member further comprises an internal wall defining a groove, and the second portion of each anchoring device is at least partially disposed within the groove, an elongated member disposed within the groove.

Adams teaches concrete footer block and foundation system comprising a base for footer blocks 10 having internal groove 18a, 18b, an anchoring device 30 is partially disposed within the groove along with reinforcement rods or elongated members 24 disposed within the groove. (See figs. 4-5). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Morton '260 and Brockman '123 to deposit the second portion of the anchoring device/fiber composite material with Adams '450 for footer block having internal groove and elongated members disposed with the groove. The motivation for doing so would have been to provide better securement and enhance the strength for the footing/foundation.

Art Unit: 3637

4. Claims 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morton (US 6,145,260) in view of Brockman (US 5,979,123) and Adams (US 4,903,450).

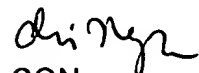
Morton '260, Brockman '123 and Adams '450 disclose the structural elements for the anchoring device as stated except for the method of construction for anchoring a structural member of a building, examiner considers this to be the obvious method of setting up the device of claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Creager (US 4,783,935), Wallin (US 6,244,005), Fu (US 6,176,055), Leek (US 6,018,917), Dressler (US 6,141,937), Weathersby (US 5,836,132), Boyadjian (US 6,105,332), Beldeoch (US 6,216,403), Irwin et al. (US 6,393,795), Greenberg (US 6,431,797), Piazza (US 4,315,391), Hardy (US 6,067,769), EP 0487422, JP 6-220925.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Lanna Mai can be reached at (703) 308-2486. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



CQN
9/24/02

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

